

MINUTES
Montana Fish, Wildlife & Parks Commission Meeting
FWP Headquarters – 1420 East 6th Avenue
Helena, MT

FEBRUARY 10, 2011

Commission Members Present: Bob Ream, Chairman; Dan Vermillion, Vice-Chairman; Ron Moody; Shane Colton via AV system; Willie Doll.

Fish, Wildlife & Parks Staff Present: Joe Maurier, Director, and FWP Staff.

Guests: See February 10, 2011 Commission file folder for names of who signed in.

Topics of Discussion:

1. **Call to Order - Pledge of Allegiance**
2. **Approval of Minutes of January 13, 2011 Commission Meeting**
3. **Approval of Commission Expenses through January, 2011**
4. **Recognition of Warden Lou Royce for Outstanding Efforts**
5. **Commission Reports**
6. **Director's Report**
7. **Legislative Update**
8. **Parks Affiliated Lands - Endorsement**
9. **Canyon Ferry & Lake Helena Commercial Fishing Regulations - Proposed**
10. **Fort Peck Reservoir Fisheries Management Plan - Informational**
11. **2011 Spring Turkey Quotas - Final**
12. **Sage Grouse Cooperative Augmentation Project with Alberta Canada - Final**
13. **Close Bighorn Sheep HD213 - Final**
14. **Limit Brow-tine Bull Elk Permits in HD250 - Final**
15. **Limit 398-80 Antlerless Elk B Licenses in HD360 and HD362 (Madison) - Final**
16. **Glendive Urban Deer - Proposed**
17. **Party Applications Available for up to Five Persons - Final**
18. **Open Microphone – Public Opportunity to Address Additional FWP Issues**

1. **Call to Order - Pledge of Allegiance.** Chairman Ream called the meeting to order at 8:30 a.m. and led the Pledge of Allegiance.

2. **Approval of the Commission Meeting Minutes of January 13, 2011.**

Action: Vermillion moved and Moody seconded the motion to approve the January 13, 2011 minutes. Motion carried.

3. **Approval of the January, 2011 Commission Expense Report.**

Action: Doll moved and Vermillion seconded the motion to approve the expense report as presented. Motion carried.

4. **Recognition of Warden Lou Royce for Outstanding Efforts.**

Commissioner Ream expressed appreciation on behalf of FWP and the Commission to Warden Lou Royce for his assistance to Tyler Hennes, a teenager with serious health issues, in harvesting a deer and an elk. He presented Royce with a plaque. Ream also expressed thanks to the CB Ranch, Darby, for allowing the hunt to take place on their land.

5. Commission Reports. Doll reported that the weather has been severe in his district with huge amounts of snow continuing to pile up. They have not had any balmy weather to melt the first snows, and it keeps snowing and getting deeper. Farmers and ranchers are feeding wildlife and pheasants at their own expense to do what they can for the resources. No one has complained about deer in haystacks. He noted that an area rancher, a Native American, requested help from the tribe to feed the wildlife, but was refused with their reasoning that it is survival of the fittest, so he is feeding the wildlife himself. Doll suggested recognizing the farmers and ranchers for all they do for wildlife in an upcoming issue of the Montana Magazine. McNeil Slough is still slowly moving along. Access to the Little Warm Reservoir had been restricted in the past, but now the landowners want to work something out to open access again.

Ream stated that he has been sitting in with Director Maurier and the FWP staff on legislative discussions, and he testified before the legislature on SB255. There are a tremendous number of bills related to FWP this year, and it is difficult to keep on top of them all.

Vermillion stated that his district is experiencing a hard winter this year, although it is not as intense as the weather in eastern Montana. He is receiving calls regarding the use of sabots in weapons restricted areas.

Colton said his district has been fairly quiet, and most calls are related to the legislative session.

6. Director's Report. Director Maurier said the legislature is keeping staff busy with all of the bills affecting FWP. He expects wolf-specific bills to soon be introduced. The Department continues to work on wolf issues. The USFWS called and spoke about a proposed settlement with the plaintiffs that would allow states to move forward. The plaintiffs refused. This situation may be back to one alternative, and that would be legislation. The USFWS may change wolves to a status of *threatened* instead of *endangered*, which would provide more flexibility. FWP is still working on alternative ways to provide more room for the bison north of Gardiner. Several bison have been harvested this year.

7. Legislative Update. Director Maurier briefed the Commission on the bills affecting the Department and Commission. There may be another 5% department-wide cut. Aquatic species and restitution monies have been discussed. Final action will be taken next Friday.

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Jim Kropp, FWP Enforcement Bureau Chief, announced that a 3-year investigation near Avon culminated just this morning with the arrest of two individuals who are now being held in the Lewis and Clark County jail. There are additional people of interest involved as well. Their illegal activities included poaching of elk, deer, and a bighorn sheep, as well as fishing crimes. Poachers are highly mobile, they use artificial light, they poach on public and private lands and on Wildlife Management Areas - they don't care where.

**8. Parks Affiliated Lands - Endorsement.** Chas VanGenderen, FWP Parks Division Administrator, stated that since the 1960s the Parks program has acquired lands that are not state park caliber. Many of these sites are not actively managed, and some are very small. These lands are classified as *Affiliated Lands*. The Parks Division wishes to explore options to sell, trade, transfer, or otherwise dispose of certain parcels of land, which would likely involve municipalities, counties, and DNRC. Internal discussions would occur before disposal of any properties.

Primary parcels under consideration include:

- East Gallatin (Bozeman) – 84 acres owned; currently managed by the City of Bozeman.
- Lake Josephine (Billings) – 82 acres owned; currently managed by the City of Billings.
- Indian Road (Townsend) – 15 acres owned; not actively managed.
- Citadel Rock (NE of Geraldine) – 39 acres; DNRC lease; site is not actively managed.
- The Wilson Property (south of Big Sandy) – 320 acres owned; site is not actively managed.
- Fort Maginnis (NE of Lewistown) – 6 acres; DNRC lease; site is not actively managed.

*Action: Doll moved and Moody seconded the motion that the Commission grant tentative approval for the Department to explore the options available for the sale, transfer, or disposal of affiliated land parcels as identified. Motion carried.*

**9. Canyon Ferry & Lake Helena Commercial Fishing Regulations - Proposed.** Gary Bertellotti, FWP Region 4 Supervisor, explained that the Commission is statutorily authorized to approve one commercial fishing operation for each body of water, to include establishing regulations regarding gear, limits, seasons, closures and other limitations deemed necessary. FWP has received an application for a 2011 commercial fishing permit to harvest carp from Canyon Ferry Reservoir and Lake Helena. This application is for a Class B Permit that requires a \$200 fee plus a \$1,000 Surety Bond.

The regulations would authorize the taking of carp by seining. Monthly reports of harvest activity are required. Public comment will be taken if this is approved.

*Action: Vermillion moved and Moody seconded the motion to approve the proposed regulations for a 2011 commercial fishing operation on Canyon Ferry Reservoir and Lake Helena pending public comment. Motion carried.*

**10. Fort Peck Reservoir Fisheries Management Plan - Informational.** Steve Dalby, FWP Region 6 Fisheries Manager, explained that revision of the Ft. Peck Reservoir Management Plan has begun, and is expected to be completed by the end of 2011. The principal elements of the management plan include walleye limits, forage fish, reservoir water level management, tournaments, angler satisfaction goals, and walleye stocking rates. The existing Plan, which expires January 1, 2012, generated limited controversy, and it is anticipated that the new Plan will continue in that cooperative manner. FWP initiated an on-line survey in November, 2010 to gauge satisfaction with the existing management plan. Preliminary results of this survey indicate that 46% of respondents like the emphasis on walleye management and 23% like the current plan. Dislikes of the current plan entail the US Army Corps of Engineers water level management (17%), FWP not stocking enough walleye (17%) and too many fishing tournaments (10%). The lake should reach full pool this year due to the large snow pack this year.

Vermillion asked what the objectives of the tournaments are. Are they fund raisers?

Dalbey replied the bulk of them are sponsored by angling groups, a few are fund raisers. There are fees charged by FWP.

Doll said one concern expressed by the public is the heavy use of access sites by anglers during tournaments; it becomes too crowded. Doll said the tournaments are advertised well in advance and the lake is large, so he feels the public could go elsewhere during the tournaments.

Moody said he has heard there are too many tournaments.

Dalbey said there are twelve open water tournaments per year allowed, but folks do pre-fish before the tournaments, so the lake is busy a lot of the time.

#### **11. 2011 Spring Turkey Quotas - Final.**

There were no recommended changes to the 2010 Spring Turkey regulations.

*Action: Doll moved and Vermillion seconded the motion to adopt the final 2011 Spring Turkey quotas and limits as recommended by FWP. Motion carried.*

**12. Sage Grouse Cooperative Augmentation Project with Alberta Canada - Final.** Quentin Kujala, FWP Wildlife Bureau, explained that the Northern Shrub Steppe Initiative is a collaborative effort between Montana and the provinces of Alberta and Saskatchewan for conservation and management of native grasslands, sagebrush habitats, and sagebrush-dependent wildlife. This initiative also supports the Western Governors Association's Wildlife Corridors Initiative for conservation of crucial landscapes and wildlife habitat. Sage-grouse are a species of international concern. Habitat degradation and population declines have lead to federal protection in Alberta, and a recent "warranted but precluded" status under the Endangered Species Act in the western United States. Alberta is seeking to protect and restore habitat to support the remaining population. In January 2010, Alberta submitted an augmentation proposal to capture and relocate Montana grouse to the province, which the FWP Commission endorsed in August, 2010. Alberta is requesting the translocation of 40 sage grouse, which would be captured in Phillips and Valley counties and transported and released in Alberta.

Mark Sullivan, FWP Region 6 Wildlife Manager, stated that Montana must work together with Canada to conserve the sage grouse. Canada considers them an endangered species. The 40 sage grouse will be radioed and monitored when placed in Alberta. Criteria are established for successful augmentation. There may be a future transplant if this is successful.

*Action: Vermillion moved and Doll seconded the motion to authorize FWP to translocate up to 40 sage grouse from northeastern Montana to Alberta. Motion carried.*

**13. Close Bighorn Sheep HD213 - Final.** Quentin Kujala, FWP Wildlife Bureau, explained that Bighorn sheep in Hunting District 213 near Anaconda have recently suffered significant mortality related to disease and die-off. Out of concern for population recovery, FWP proposes to close HD 213 until the population recovers. Twenty-one comments were received, all in favor of the closure.

*Action: Vermillion moved and Moody seconded the motion to adopt the bighorn sheep hunting district 213 closure as presented by FWP. Motion carried.*

**14. Limit Brow-tine Bull Elk Permits in HD250 - Final.** Quentin Kujala, FWP Wildlife Bureau, explained that the elk population in HD250 has significantly declined. The proposal is to require a permit to hunt brow-tined bull elk in Hunting District 250, the West Fork of the Bitterroot. Permit-only hunting for brow-tined bulls would apply to the archery-only as well as the general rifle season. Set permit quota at 25 for the 2011 season, with a quota range of 10-100.

*Action: Vermillion moved and Moody seconded the motion to adopt the final season adjustment and quota range in elk HD250 as presented by FWP. Motion carried.*

**15. Limit 398-80 Antlerless Elk B Licenses in HD360 and HD362 (Madison) - Final.** Quentin Kujala, FWP Wildlife Bureau, explained that the elk population in HD360 and HD362 continues to decline due to several years of general season harvest, an unlimited antlerless-elk license, late-season management, and game-damage hunts. The 2010 hunting season showed record high harvests in these districts, which resulted in further declines to the population. Sportsmen have expressed concern about overharvest of elk on the public lands in this unit since 2009, and have petitioned FWP to limit this license to private lands only. A public meeting in the Madison Valley generated strong support for this proposal. The proposal is to reduce the quota to 500 B licenses, with a proposed quota range of 100-1,000. B licenses proposed to be valid on private lands only in order to address landowners' game-damage concerns and sportsmen's concerns of overharvest on public lands.

*Action: Vermillion moved and Moody seconded the motion to adopt the final season adjustment in elk HD360 and HD362 as recommended by FWP. Motion carried.*

**16. Glendive Urban Deer - Proposed.** Quentin Kujala, FWP Wildlife Bureau explained that in 2003 the Legislature authorized cities to create plans to control wildlife within city limits for health and safety. Plans must be approved by the FWP Commission. Glendive has developed a deer management plan that is patterned after plans already approved for Colstrip and Ekalaka. Archery within the city limits is their proposed tool to manage the urban deer numbers. A process has been set up to incorporate private property owners as well as hunters to participate in the deer management program. This is still in the proposed stage so adjustments can be made.

*Action: Colton moved and Vermillion seconded the motion to adopt the proposed City of Glendive Deer Management Action Plan as presented.*

Doll said archery may be a problem. He has been told by constituents that the archers always get the first chance at everything, and he fears there will be negative connotations. He suggested Glendive work with Helena to observe their process, and implement that same procedure. He feels it should be done by law enforcement, quietly, quickly, and efficiently, leaving no blood trails. Also, reduce the window of time to get it done - don't spread it out over time.

Ream stated that flexibility needs to be written into the plan to include trapping by the City as an option.

Chairman Ream asked for public comment. There was none.

*Action on Motion: Motion carried.*

**17. Party Applications Available for up to Five Persons - Final.** Quentin Kujala, FWP Wildlife Bureau, explained that FWP proposes to establish a consistent number of five applicants for all deer, elk, antelope, and turkey license and party permit applications. A party application is only entered once into any drawing, and if successful in that one bid, all applicants of the party are successful. This would be available for residents and nonresidents. The difference between four and five person party applications has been a source of application error and confusion for nonresidents.

*Action: Vermillion moved and Doll seconded the motion to adopt the final party application size of five persons as recommended by FWP. Motion carried.*

**18. Open Microphone - Public Opportunity to Address FWP Issues Not on Agenda.**

Colton stated that when the archery permit system was proposed a few years ago, the Commission was aware there would be blowback. It now has the attention of the legislature. A lot of process went into that study before it was enacted in the first place; it was studied and reworked several times. It was further discussed after the system was put in place. It received extensive public participation and there was strong support for the proposal.

Vermillion agreed that the archery permit system went through an exhaustive process. He sat on an archery committee for over a year, and it was nearly unanimous to support the proposal.

Rod Bullis, Helena, said the number of bills at the legislature indicates how important FWP is to the public. He said a lion workshop is being held in Bozeman the first week in May, and he invited the Commission to attend.

Christina Crocker, Intertribal Buffalo Council, spoke to the translocation of the quarantined bison. She said the IGBC is also a member of intertribal bison management. Tribes were involved in the EIS in the planning stages. She urged the Commission to please consider tribal management.

Moody recommended another meeting with the Intertribal Council because the tribes must be dealt with fairly.

Maurier stated that the Montana Wildlife Federation is hosting a meeting April 15-17, and they have requested that the Commission attend if possible, particularly on the 16<sup>th</sup>.

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Action: Vermillion moved and Doll seconded the motion to adjourn. Motion carried.

The meeting adjourned at 12:25 p.m.

Bob Ream, Chairman

Joe Maurier, Director